

Public Law 106-246  
106th Congress

An Act

Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

July 13, 2000  
[H.R. 4425]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

DIVISION A—FISCAL YEAR 2001 MILITARY CONSTRUCTION  
APPROPRIATIONS

Military  
Construction  
Appropriations  
Act, 2001.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2001, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$909,245,000, to remain available until September 30, 2005: *Provided*, That of this amount, not to exceed \$109,306,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$928,273,000, to remain available until September 30, 2005: *Provided*, That of this amount, not to exceed \$73,335,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense

\$220,000,000 is hereby appropriated for "Operation and Maintenance, Navy", to remain available for obligation until September 30, 2001, only for ship depot maintenance.

(b) **EMERGENCY DESIGNATION.**—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

**SEC. 111. (a) HIGH PRIORITY SUPPORT TO DEPLOYED FORCES.**—In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), there is hereby appropriated to the Department of Defense, to support deployed United States forces, \$503,900,000, as follows:

(1) For operation and maintenance accounts, to remain available for obligation until September 30, 2001, \$96,000,000 as follows:

"Operation and Maintenance, Navy", \$20,000,000;

"Operation and Maintenance, Air Force", \$41,900,000;

"Operation and Maintenance, Defense-Wide", \$10,000,000; and

"Operation and Maintenance, Air National Guard", \$24,100,000.

(2) For procurement accounts, to remain available for obligation until September 30, 2003, \$344,900,000, as follows:

"Aircraft Procurement, Army", \$25,000,000 (for Apache helicopter safety and reliability modifications);

"Aircraft Procurement, Navy", \$52,800,000 (of which \$27,000,000 is for CH-46 helicopter engine safety procurement and \$25,800,000 for EP-3 sensor improvement modifications);

"Aircraft Procurement, Air Force", \$212,700,000 (of which \$111,600,000 is for U-2 reconnaissance aircraft sensor improvements and modifications, and \$101,100,000 is for flight and mission trainers and simulators);

"Other Procurement, Air Force", \$41,400,000; and

"Procurement, Defense-Wide", \$13,000,000.

(3) For research, development, test and evaluation accounts, to remain available for obligation until September 30, 2002, \$63,000,000, as follows:

"Research, Development, Test and Evaluation, Army", \$5,000,000 (for the WARSIMS program); and

"Research, Development, Test and Evaluation, Defense-Wide", \$58,000,000.

(b) **EMERGENCY DESIGNATION.**—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

**SEC. 112.** To ensure the availability of biometrics technologies in the Department of Defense, the Secretary of the Army shall be the Executive Agent to lead, consolidate, and coordinate all biometrics information assurance programs of the Department of Defense: *Provided*, That there is hereby appropriated for fiscal year 2000, in addition to other amounts appropriated for such fiscal year by other provisions of this Act, \$5,000,000 for Operation and Maintenance, Army, for carrying out the biometrics assurance programs and for continuing the biometrics information assurance programs of the Information System Security Program: *Provided*

Government  
organization.

further, That there is hereby appropriated for fiscal year 2000, in addition to other amounts appropriated for such fiscal year by other provisions of this Act, \$1,000,000 for Operation and Maintenance, Navy, and \$1,000,000 for Operation and Maintenance, Air Force, for carrying out the biometrics assurance programs with the Army, as Executive Agent, to lead, consolidate, and coordinate such programs.

Deadline.

SEC. 113. In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), \$125,000,000 is hereby appropriated to the Department of Defense to remain available until September 30, 2002, to be available only for the Patriot missile program: *Provided*, That not later than 30 days after the enactment of this Act the Department shall submit a revised Patriot missile program plan to the congressional defense committees: *Provided further*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 114. In addition to amounts provided elsewhere in this Act for the Department of Defense, \$300,000 is hereby appropriated to be available only for Operation Walking Shield for technical assistance and transportation of excess housing to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota, in accordance with section 8155 of Public Law 106-79.

SEC. 115. In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), there is hereby appropriated to the Department of Defense, for the cost of peacekeeping and humanitarian assistance operations in East Timor and Mozambique, \$61,500,000, to be distributed as follows:

“Operation and Maintenance, Navy”, \$6,400,000;

“Operation and Maintenance, Marine Corps”, \$8,100,000;

and

“Operation and Maintenance, Air Force”, \$47,000,000:

*Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### (TRANSFER OF FUNDS)

SEC. 116. (a) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, of the funds appropriated by title II of the Department of Defense Appropriations Act, 2000 (Public Law 106-79) under the heading “Operation and Maintenance, Defense-Wide”, \$9,642,000 shall be transferred to the Macalloy Special Account administered by the Administrator of the Environmental Protection Agency to pay for response actions by, or on behalf of, the Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) at the Macalloy site in Charleston, South Carolina.

(b) TREATMENT OF FUNDS.—Any of the funds transferred pursuant to subsection (a) that are used to pay for response actions at the Macalloy site shall be credited against any liability of the

United States with respect to the site under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

SEC. 117. Notwithstanding any other provision of law, there is appropriated to the Department of Defense \$8,000,000 for communications, communications infrastructure, logistical support, resources and operational assistance required by the Salt Lake Organizing Committee to stage the 2002 Olympic and Paralympic Winter Games, such sums to remain available until expended.

SEC. 118. The Ballistic Missile Defense Organization and its subordinate offices and associated contractors, including the Lead Systems Integrator, shall notify the congressional defense committees 15 days prior to issuing any type of information or proposal solicitation under the NMD Program with a potential annual contract value greater than \$5,000,000 or a total contract value greater than \$30,000,000.

Notification.

SEC. 119. (a) REQUIREMENT FOR SALE OF NAVY DRYDOCK NO. 9.—Notwithstanding any other provision of law, the Secretary of the Navy shall sell Navy Drydock No. 9 (AFDM-3), located in Mobile, Alabama, to the Bender Shipbuilding and Repair Company, Inc., which is the current lessee of the drydock from the Navy.

Alabama.  
Bender  
Shipbuilding and  
Repair Company.

(b) CONSIDERATION.—As consideration for the sale of the drydock under subsection (a), the Secretary shall receive an amount equal to the fair market value of the drydock at the time of the sale, as determined by the Secretary.

SEC. 120. Subsection (b) of section 509 of title 32, United States Code, is amended by striking “Federal” and inserting “Department of Defense”.

SEC. 121. USE OF DEPARTMENT OF DEFENSE FACILITIES AS POLLING PLACES. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense shall not prohibit the designation or use of any Department of Defense facility, currently designated by a State or local election official, or used since January 1, 1996, as an official polling place in connection with a local, State, or Federal election, as such official polling place.

(b) EFFECTIVE DATE.—The prohibition under subsection (a) shall apply to any election occurring on or after the date of the enactment of this section and before December 31, 2000.

Applicability.

SEC. 122. Section 8114 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262; 112 Stat. 2326), is amended—

(1) in the matter preceding the first proviso, by striking “\$20,000,000” and inserting “\$30,000,000”; and

(2) in the second proviso, by inserting after “property damages” the following: “, and for other claims under applicable Status-of-Forces Agreements,”.

#### (RESCISSIONS)

SEC. 123. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded as of the date of the enactment of this Act, from the following accounts in the specified amounts:

Under the heading “Shipbuilding and Conversion, Navy, 1989/1993”:

DDG-51 destroyer program, \$9,100,000;

T-AO fleet oiler program, \$6,645,000;

T-AGOS surveillance ship program, \$3,420,000;

Outfitting and post delivery, \$1,293,000;